



Nevada State Board of Medical Examiners

*** * * M I N U T E S * * ***

OPEN SESSION BOARD MEETING

Conference Room at the Offices of the
NEVADA STATE BOARD OF MEDICAL EXAMINERS
1105 Terminal Way, Suite 301
Reno, Nevada 89502

THURSDAY, DECEMBER 27, 2001

MEMBERS PRESENT:

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Marlene J. Kirch
Sohail U. Anjum, M.D.
Stephen K. Montoya, M.D.

MEMBER ABSENT:

Joel N. Lubritz, M.D., Secretary-Treasurer
Paul A. Stewart, M.D.

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Robert A. Frantz, Financial Manager

ALSO PRESENT:

Carol R. Bowers, R.N., C.D., Executive Director, Nevada
Health Professionals Assistance Foundation

AGENDA ITEM 1

Call to Order and Announcements - Cheryl A. Hug-English, M.D., President

The meeting was called to order by Cheryl A. Hug-English,
President, at 8:45 a.m.

Mr. Lessly announced that 512 practitioners of respiratory care
have been licensed to date, with 104 pending licensure.

Mr. Legarza introduced Pamela J. Castagnola, the board's newly hired investigator. Mrs. Castagnola gave a brief history of her professional background.

AGENDA ITEM 2

Acceptance of Applications for Practitioner of Respiratory Care Licensure -

Appearances

Mr. Legarza advised that the applicants for practitioner of respiratory care licensure are set to be heard in Open Session, as there was not enough time to provide the 21-day notice required by the Nevada Open Meeting Law for them to be heard in Executive Session. He added that the applicants may opt to waive, on an individual basis, the 21-day Open Meeting Law notice to be heard in Executive Session, and that they may be given this option as they appear before the board for acceptance of their applications.

2 (j) Joel Ferreyra

Dr. Titus questioned Mr. Ferreyra, who appeared before the board to respond to questions concerning his affirmative answers to questions #12, 16 and 17 on his application for licensure.

Mr. Ferreyra explained the circumstances surrounding the DUI convictions he received in 1994 and 1996, and the revocation of his California practitioner of respiratory care license by the California licensure board. He added that he currently does not drink alcohol.

Mr. Ferreyra waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Dr. Jones moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Dr. Anjum, and it passed unanimously.

Upon returning to Open Session, Dr. Titus moved to accept Joel Ferreyra's application for licensure, contingent upon his signing a contract with the board's Diversion Program. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (g) David Bruce

Dr. Baepler questioned Mr. Bruce, who appeared before the board to respond to questions concerning his affirmative answers to questions #12, 17, 18 and 21 on his application for licensure.

Mr. Bruce explained the circumstances surrounding his criminal history and the revocation of his California practitioner of respiratory care license by the California licensure board.

Mr. Bruce waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Dr. Montoya moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Mrs. Kirch, and it passed unanimously.

Upon returning to Open Session, Dr. Anjum moved to accept David Bruce's application for licensure. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English advised Mr. Bruce that the board would like him to provide a receipt indicating that he has satisfied his financial obligations to the California licensure board.

2 (n) William Hampton

Dr. Montoya questioned Mr. Hampton, who appeared before the board to respond to questions concerning his affirmative answers to questions #12, 17 and 21 on his application for licensure.

Mr. Hampton explained the circumstances surrounding the gross demeanor charge he received in 1994 for writing a false prescription and the disciplinary actions against his California practitioner of respiratory care license taken by the California licensure board. He added that he has been in recovery for substance abuse for 20 years.

Mr. Hampton waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Dr. Montoya moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Mrs. Kirch, and it passed unanimously.

Upon returning to Open Session, Dr. Montoya moved to accept William Hampton's application for licensure, contingent upon his signing a contract with the board's Diversion Program. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (g) Eric Rue

Mrs. Kirch questioned Mr. Rue, who appeared before the board to respond to questions concerning his affirmative answers to questions #12 and 13 on his application for licensure.

Mr. Rue explained the circumstances surrounding the criminal convictions for theft, burglary and aggravated assault he received in 1981 and 1982.

Dr. Titus moved to accept Eric Rue's application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (t) Valentino Stabile

Dr. Anjum questioned Mr. Stabile, who appeared before the board to respond to questions concerning his affirmative answers to questions #12, 13 and 16 on his application for licensure.

Mr. Stabile explained the circumstances surrounding the first degree assault felony conviction he received for an incident which occurred in 1970, and the denial of his application for California practitioner of respiratory care licensure by the California licensure board.

Dr. Baepler moved to accept Valentino Stabile's application for licensure. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (u) Roy Stark

Mr. Stark waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Dr. Baepler moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Dr. Titus, and it passed unanimously.

Upon returning to Open Session, Dr. Baepler moved to accept Roy Stark's application for licensure. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (p) Douglas Mossiah

Mr. Mossiah waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Dr. Anjum moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Mrs. Kirch, and it passed unanimously.

Upon returning to Open Session, Dr. Montoya moved to accept Douglas Mossiah's application for licensure, contingent upon his signing a contract with the board's Diversion Program. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (w) Rodney Yerger

Dr. Hug-English questioned Mr. Yerger, who appeared before the board to respond to questions concerning his affirmative answers to questions #12 and 13 on his application for licensure.

Mr. Yerger explained the circumstances surrounding the three counts of aggravated robbery for which he was convicted in 1988.

Dr. Titus moved to accept Rodney Yerger's application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (i) Deborah Currie

Dr. Baepler questioned Ms. Currie, who appeared before the board to respond to questions concerning her affirmative answers to questions #12 and 18 on her application for licensure.

Ms. Currie explained the circumstances surrounding her DUI conviction in 1998 and the surrender of her California practitioner of respiratory care license in 2001.

Dr. Baepler moved to accept Deborah Currie's application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (s) Daniel Sosa

Dr. Anjum questioned Mr. Sosa, who appeared before the board to respond to questions concerning his affirmative answers to questions #11, 13, 16, 17 and 21 on his application for licensure.

Mr. Sosa explained the circumstances surrounding his arrest in 1999 for an outstanding traffic warrant for speeding and the revocation of his California practitioner of respiratory care license by the California licensure board in 1999.

Dr. Titus moved to accept Daniel Sosa's application for licensure. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (c) Theodore Bell

Dr. Baepler questioned Mr. Bell, who appeared before the board to respond to questions concerning his affirmative answers to questions #12, 17 and 18 on his application for licensure.

Mr. Bell explained the circumstances surrounding the DUI convictions he received in 1991 and 1997, the misdemeanor conviction he received in 1991 for brandishing a firearm, and the revocation of his California practitioner of respiratory care license by the California licensure board in 1996.

Mr. Bell waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence.

Dr. Baepler moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Mrs. Kirch, and it passed unanimously.

Upon returning to Open Session, Dr. Titus moved to accept Theodore Bell's application for licensure, contingent upon his signing a contract with the board's Diversion Program. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

The meeting recessed for lunch at 12:10 p.m.

The meeting reconvened at 12:55 p.m.

2 (h) John Burgage

Mr. Burgage waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Mrs. Kirch moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Dr. Montoya, and it passed unanimously.

Upon returning to Open Session, Dr. Montoya moved to accept John Burgage's application for licensure, contingent upon his signing a contract with the board's Diversion Program. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (r) Richard Segovia

Mr. Segovia waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Dr. Montoya moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Dr. Jones, and it passed unanimously.

Upon returning to Open Session, Dr. Baepler moved to accept Richard Segovia's application for licensure, contingent upon his signing a contract with the board's Diversion Program and his successful participation in the program. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (d) Joseph Blan

Mr. Blan waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Dr. Montoya moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Mrs. Kirch, and it passed unanimously.

Upon returning to Open Session, Dr. Titus moved to accept Joseph Blan's application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (a) Ignacio Acosta

Mr. Acosta waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Mrs. Kirch moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Dr. Montoya, and it passed unanimously.

Upon returning to Open Session, Dr. Baepler moved to accept Ignacio Acosta's application for licensure, contingent upon his signing a contract with the board's Diversion Program and his successful participation in the program. Dr. Jones seconded the motion, and it passed, with Dr. Montoya voting against the motion and the Chair voting in favor of the motion.

2 (b) Marilyn Atkins

Ms. Atkins waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss her character and professional competence

Mrs. Kirch moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Dr. Montoya, and it passed unanimously.

Upon returning to Open Session, Dr. Baepler moved to deny Marilyn Atkins' application for licensure for the following reasons:

- 1) her 12-year history of criminal actions involving moral turpitude;
- 2) the denial of her application for practitioner of respiratory care licensure in the state of California;
- 3) her appearing to be impaired during her appearance before the Nevada State Board of Medical Examiners for consideration of acceptance of her application for licensure;
- 4) her being impaired during her interview with the board's Diversion Program personnel on December 10, 2001; and
- 5) her being on medications that can impair her safe practice of respiratory care on her patients.

Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

The board recommended to Ms. Atkins that she refer to the board's Diversion Program personnel for a recommendation for a recovery program, and that she return to the board for consideration of her application for licensure when she can prove her sobriety.

2 (e) Julio Bonilla

Dr. Jones questioned Mr. Bonilla, who appeared before the board to respond to questions concerning his affirmative answers to questions #16 and 19 on his application for licensure.

Mr. Bonilla explained the circumstances surrounding his conviction for welfare fraud in 1995.

Dr. Montoya moved to accept Julio Bonilla's application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (f) Donnie Brown

Dr. Jones questioned Mr. Brown, who appeared before the board to respond to questions concerning his affirmative answer to question #12 on his application for licensure.

Mr. Brown explained the circumstances surrounding his criminal history, including delivery of controlled substances, sale of fireworks and shoplifting convictions, from 1975 through 1983.

Dr. Baepler moved to accept Donnie Brown's application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (l) Denny Garcia

Mr. Garcia waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Mrs. Kirch moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Dr. Montoya, and it passed unanimously.

Upon returning to Open Session, Dr. Montoya moved to accept Denny Garcia's application for licensure. Dr. Baepler seconded the motion, and it passed, with the Chair voting in favor of the motion.

2 (m) Michael Garrigan

Dr. Montoya questioned Mr. Garrigan, who appeared before the board to respond to questions concerning his affirmative answer to questions #12 on his application for licensure.

Mr. Garrigan explained the circumstances surrounding his conviction for welfare fraud in 1996.

Dr. Montoya moved to accept Michael Garrigan's application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (o) Eloy (John) Montoya

Dr. Jones questioned Mr. Montoya, who appeared before the board to respond to questions concerning his affirmative answer to question #12 on his application for licensure.

Mr. Montoya explained the circumstances surrounding his criminal history, including 3 convictions for DUIs and 1 conviction for assault with a deadly weapon.

Dr. Baepler moved to accept Eloy (John) Montoya's application for licensure, contingent upon his signing a contract with the board's Diversion Program and his successful participation in the program. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (v) Ron Whaley

Dr. Hug-English questioned Mr. Whaley, who appeared before the board to respond to questions concerning his affirmative answers to questions #12, 13 and 16 on his application for licensure.

Mr. Whaley explained the circumstances surrounding his criminal history, including charges of driving without a license and corporal injury, assault, battery and disorderly conduct, and the denial of his application for California practitioner of respiratory care licensure by the California licensure board.

Mr. Whaley waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Dr. Montoya moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Mrs. Kirch, and it passed unanimously.

Upon returning to Open Session, Dr. Titus moved to accept Ron Whaley's application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

2 (k) Robert Fletcher

Mr. Fletcher failed to appear.

Dr. Titus stated that Mr. Fletcher's felony conviction for possession of dangerous drugs without a prescription in 1993 was due to his having mistakenly carried his respiratory care drugs from one of his places of work to another in his fanny pack. She added that since Ms. Bowers finds Mr. Fletcher to be clean and sober, that she feels his application for licensure should be granted.

Dr. Titus moved to accept Robert Fletcher's application for licensure. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 3

Acceptance of Applications for Practitioner of Respiratory Care Licensure Subject to Applicants Entering into Contract with Diversion Program - **Non-Appearances**

- | | |
|--------------------|------------------|
| - Bruce Brain | - Deborah Garcia |
| - William Curtin | - Frank Sandoval |
| - Michael Koshorek | |

Dr. Baepler moved to accept the applications for practitioner of respiratory care licensure of Bruce Brain, William Curtin, Michael Koshorek, Deborah Garcia and Frank Sandoval, contingent upon their signing a contract with the board's Diversion Program. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 4

Ratification of Practitioner of Respiratory Care Licenses Issued as of December 27, 2001

Dr. Baepler moved to ratify the practitioner of respiratory care licenses issued as of December 27, 2001. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 25
Matters for Future Agenda

The board congratulated staff on it's excellent work in licensing the practitioners of respiratory care.

Staff was directed to remind members at the board's March meeting to file their respective financial disclosure statements.

AGENDA ITEM 22
Public Comment

There was no public comment made.

ADJOURNMENT

Dr. Hug-English adjourned the meeting at 3:50 p.m.